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Examiner: Tamin M. Hossain

REMARKS

The Application has been reviewed in light of the Office Action mailed March 18, 2009. At the time of this Office Action, Claims 1-9, 18-34 and 43-50 were pending in the Application and Claims 1-9, 18-34 and 43-50 were rejected. The following actions were taken or matters raised: (I) Claims 1-9, 18-34 and 43-50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bouchier (US 6,725,317) in view of Johnson (US 2002/0042896). In order to advance prosecution of this case by overcoming the rejections asserted by the Office, claim amendments and associated remarks addressing such rejection are presented herein. The Applicants respectfully request reconsideration and favorable action in this case.

Rejection under 35 U.S.C. § 103(a) – Bouchier in view of Johnson

The Office has rejected Claims 1-9, 18-34 and 43-50 under 35 U.S.C. § 103(a) as being unpatentable over Bouchier (US 6,725,317) in view of Johnson (US 2002/0042896). In view of amendments made to independent Claims 1, 18, 26 and 43, the Applicants assert that the present invention as recited in amended independent Claims 1, 18, 26 and 43, and all claims dependent thereon (i.e., Claims 2-9, Claims 18-27, 29-34, and Claims 44-50, respectively), are clearly distinguished from the disclosures of the cited references, individually and in combination, and that the present invention provides advantageous, useful and non-obvious functionality with respect to the cited references. Accordingly, the Applicants submit that the rejection under 35 U.S.C. § 103(a) applied to independent Claims 1, 18, 26 and 43 have been

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overcome, and respectfully requests the Office to withdraw such rejections to independent Claims 1, 18, 26 and 43 as well as all claims dependent thereon.

Bouchier discloses a computer system that includes multiple associated partitions (i.e., a complex) each simultaneously running a separate copy of an operating system. The partitions form protected areas such that different partitions are restricted by hardware from directly accessing each other's memory areas. A service processor is coupled to all of the partitions for managing a complex profile (e.g., a profile that defines a configuration of the complex). Bouchier does disclose relevant subject matter with respect to the service processor tracking status information of system components operating within the various partitions and using such status information to configure the operating system of each partition. However, as is disclosed in Bouchier at col. 6, lines 16-21; col. 14, lines 40-50; and col. 17, lines 20-31, the service processor manages configuration of operating system configuration of the complex (i.e., the complex profile) and such configuration is performed during the same instantiation of the status information is tracked. In contrast, in the claimed invention, platform firmware of the platform-side operating system configures (i.e., manages) the platform-side operating system using status information tracked by the service processor. It should be understood that the underlying intent of Bouchier is limiting the potential for corruption/interleaving of the complex profile during operation as opposed to using information tracked during such operation to appropriately configure the operating system during reboot (e.g., See col. 12, lines 19-46), which relies upon the service processor modifying the complex profile.

The underlying intent of the claimed invention includes tracking status information of system components tracked during a first instantiation of a platform-side operating system, and

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during reboot of the platform-side operating system for providing a second instantiation of the platform-side operating system, configuring the platform-side operating system using such status information tracked during the first instantiation of the platform-side operating system. Neither this intent nor corresponding functionality is disclosed or suggested by Bouchier and/or Johnson.

With respect to amended independent Claims 1 and 26, none of the cited references nor any combination thereof disclose, teach or suggest the recited structure or functionality of such amended claim. Support for the proposed amendments can be found at paragraphs [0017], [0020], [0028] and [0029] of the Application. More specifically, none of the cited references nor any combination thereof disclose, teach or suggest: 1.) tracking status information of a primary system component of a platform-side operating system in a data processing system during a first instantiation of the platform-side operating system, 2.) said tracking is facilitated by a service processor of the data processing system, 3.) tracking status information of a redundant system component of the platform-side operating system in the data processing system in combination with tracking said status information of the primary system component during the first instantiation of the platform-side operating system, 4.) the redundant system component is configured for providing functionality provided by the primary system component during the first instantiation of the platform-side operating system and wherein said tracking is facilitated by the service processor of the data processing system, 5.) in conjunction with performing reboot of the platform-side operating system for providing a second instantiation of the platform-side operating system after termination of the first instantiation of the platform-side operating system, configuring the platform-side operating system dependent upon said status information, 6.) said configuring includes

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causing said functionality to be provided by the redundant system component during the second instantiation of the platform-side operating system, and 7.) said configuring is performed in conjunction with a boot-time portion of platform firmware of the data processing system accessing said status information from the service processor prior to said reboot of the platform-side operating system being completed. Accordingly, a skilled person will appreciate that the operational structure and functionality as provided by the invention as recited in independent Claims 1 and 26 is not capable of being provided by and is not intended to be provided by implementations of the disclosures of the cited references, individually or in any combination thereof.

With respect to amended independent Claims 18 and 43, none of the cited references nor any combination thereof disclose, teach or suggest the recited structure or functionality of such amended claim. Support for the proposed amendments can be found at paragraphs [0017], [0020], [0028] and [0029] of the Application. More specifically, none of the cited references nor any combination thereof disclose, teach or suggest: 1.) accessing status information of a primary system component of a platform-side operating system in a data processing system, 2.) accessing status information of a redundant system component of the platform-side operating system in the data processing system in combination with accessing said status information of the primary system component, 3.) the redundant system component is configured for providing functionality provided by the primary system component during a first instantiation of the platform-side operating system, 4.) in conjunction with performing reboot of the platform-side operating system for providing a second instantiation of the platform-side operating system after termination of the first instantiation of the platform-side operating system, a boot-time portion of platform firmware of the data processing system

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configuring the platform-side operating system dependent at least partially upon said status information of at least one of said system components, and 6.) said configuring is performed in conjunction with the boot-time portion of said platform firmware accessing said status information from the service processor prior to said reboot of the platform-side operating system being completed. Accordingly, a skilled person will appreciate that the operational structure and functionality as provided by the invention as recited in independent Claims 18 and 43 is not capable of being provided by and is not intended to be provided by implementations of the disclosures of the cited references, individually or in any combination thereof.

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CONCLUSIONS

The Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for reasons clearly apparent, the Applicants respectfully request full allowance of all pending claims. If there are any matters that can be discussed by telephone to further the prosecution of the Application, the Applicants invite the Examiner to contact the undersigned at 512-306-8533 at the Examiner's convenience.

Respectfully submitted,

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